

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 18, 2006**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Woykowski, Oakley, Turner, Buoye, Housel, and Glaser – Present.
Van Deursen – Absent.

Also Present: Richard J. Sheola, Borough Manager
Richard P. Cushing, Esq., Borough Attorney
Robert Miller, C.M.E., Borough Engineer
Kristine D. Blanchard, RMC, Borough Clerk

The flag salute was led by Deputy Mayor Turner.

Deputy Mayor Turner read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law of 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

At this time Deputy Mayor Turner deviated from the agenda to welcome Warren Korecky, CPA from Supplee, Clooney & Co. to discuss the 2005 Audit.

Mr. Korecky gave the Council a brief synopsis of the Comments and Recommendations of the 2005 Audit. Mr. Korecky stated that from 2004 to 2005 there was a dramatic improvement of the financial status of the Borough. The recommendations have been cut in half from the previous year. There are still improvements that need to be made; one is the General Ledger. Mr. Korecky stated that the surplus for the Borough is still quite healthy and the percent of tax collection for the Borough is at 97% which is very good. Mr. Korecky asked Council if they had any questions for him in regards to the audit.

Councilwoman Glaser asked Mr. Korecky what he would recommend as far as maintaining books of record, especially in the smaller departments. Mr. Korecky explained that the auditors are looking for a log of the cash receipts; date, received from, and what it is for. Councilwoman Glaser recommended to Manager Sheola that departments make a copy of all checks received and keep in a binder for easy reference.

Councilwoman Woykowski stated that the General Ledger is complete through September of 2005. She asked Mr. Korecky what the time frame should be as far as receiving a current General Ledger report. Mr. Korecky stated that the Borough should be working on June of 2006 right now.

Councilwoman Glaser stated that the General Ledger should be completed by the second meeting of each month.

Councilwoman Woykowski asked Mr. Korecky for some recommendations on reports that council should be looking at monthly. Mr. Korecky stated that the Budget to Actuals report and the YTD Vendor report should be looked at monthly.

Councilwoman Woykowski stated that she would like to start seeing Vendor Activity Reports and YTD Vendor reports.

A motion was made by Councilman Housel, seconded by Councilwoman Glaser to adopt **Resolution 162-2006** and have the clerk read by title.

Roll Call: Woykowski, Housel, Buoye, Turner, Glaser, and Oakley.

Ayes: 6

Nays: 0

Motion Carried.

Resolution 162- 2006

RESOLUTION #162-2006

A RESOLUTION OF THE GOVERNING BODY
CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State

of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Borough Council of the Borough of Washington, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

COUNCIL APPEARANCE:

Police Chief Cortellesi summarized the activity of the Police Department to date. Chief Cortellesi stated that the police department has patrolled 71,495 miles, answered 5,570 calls, assisted the rescue squad 494 times, assisted on fire calls 77 times, and assisted motorist and other persons 251 times. The police department also made 277 arrests, issued tickets for 2,227 moving violations, and 818 parking violations.

Chief Cortellesi stated that the department received video cameras for the patrol cars that were generously donated from the Washington Kiwanis and Rotary Clubs.

Chief Cortellesi also informed Council that the department received a \$1,000.00 donation from the Warren County Prosecutors Office to continue to cover the expenses for the canine unit.

Chief Cortellesi explained that the department made 7 DWI arrests during the NJ State Drunk Driving Program in September. Patrolman Beers is currently on loan to the Narcotics Task Force. Chief Cortellesi also informed Council that during the year the police department usually gives out about 25 tours to various organizations. During the state's recent Click It or Tick It program, the department gave out 716 seatbelt tickets.

Chief Cortellesi stated that this Saturday during the BID Festival the patrolman will be using bicycles to patrol the town.

Deputy Mayor Turner asked Chief Cortellesi what the large problems are in the borough. Chief Cortellesi stated that the largest problems for the borough are juveniles and domestic violence.

Councilman Housel thanked the police department for all that they do for the borough and informed the chief that they are doing an excellent job.

MINUTES:

Regular Meeting – July 5, 2006

Deputy Mayor Turner entertained additions or corrections to the minutes of the regular meeting of July 5, 2006.

The following corrections were noted: Councilman Buoye stated he spoke with the clerk about some minor corrections.

Page 9: Councilwoman Woykowski suggested a change in language in the last paragraph of Resolution 155-2006. The Resolution should read: “contract contains language that is acceptable to the municipal attorney and approved by council.” Council concurred. In addition, Councilwoman Woykowski pointed out that in Resolution 155-2006 the Ordinance number is incorrect and should read 13-2006.

Hearing no additional corrections, it was moved by Buoye, seconded by Oakley that the minutes of July 5, 2006 be approved with corrections.

Ayes: 4, Nays: 0.
Abstain: 2 (Housel, Glaser)
Motion Carried

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJLM Re: Disaster Recovery Centers Open to Assist New Jersey Residents.
2. NJLM Re: Citizens Convention Coalition Press Conference Calls for Real Tax Reform Progress.
3. Elizabethtown Gas: Notice of Public Hearings (1)
4. Elizabethtown Gas: Notice of Public Hearings (2)
5. NJLM Re: National Brownfields Association
6. NJLM Re: Budget Update
7. NJLM Re: FY 2007 Appropriations Act (Budget Recap)
8. NJLM Re: Deer Carcass Removal
9. NJLM Re: Mayors Wellness Campaign
10. Comcast Fax: On Demand Direct Tune Channels

Hearing no comments it was moved by Glaser, seconded by Oakley that the communications numbered #1 thru #10 be acknowledged, received and filed.

Ayes: 6, Nays: 0.

Motion carried.

AUDIENCE:

Deputy Mayor Turner entertained remarks from the audience on items that do not appear on the meeting agenda.

Lori Finnegan 23 Youmans Avenue - Addressed council in reference to the corner of Belvidere Avenue and Route 57. Mrs. Finnegan stated that there is no paint left in the left turn lane. Mrs. Finnegan requested that this be repainted. She also requested that the school crossing guards be visible at their posts during the school year. She stated that the crossing guards will sometimes be in their cars and not visible to the children or motorists.

Jodie Brush 48 Willow Street - Ms. Brush informed council that Willow Street is full of pot holes and cracks from the tractor trailers and dump trucks utilizing the street. She asked council if there was any way that the borough could hold the businesses of Willow Street responsible for the damage.

Terry Finnegan 23 Youmans Avenue - Mr. Finnegan stated that the minutes from the June 20, 2006 meeting were not posted on the website. Borough Clerk, Kristine Blanchard stated that she will look into this.

Mr. Finnegan inquired as to why the Borough Code book was not available on the website. Manager Sheola and Councilwoman Glaser explained that having the Borough Codebook on the website was currently being addressed and would possibly be available in twelve to sixteen months.

Mr. Finnegan also inquired as to why the Star Gazette is the official newspaper of the Borough. He also stated that he would like to see Ordinances spread in full in the minutes upon introduction. Councilwoman Glaser stated that she does agree that the minutes should contain ordinances when they are introduced and requested that this be done in the future.

Kathy Segein 120 Taylor Street - Addressed council in regards to public transportation going south on Rt. 31. She stated currently there is no public transportation available in that area. She is disabled and would like to see that implemented.

Councilwoman Glaser asked Manager Sheola to send a letter to the County Department of Transportation in reference to the need for public transportation along Rt. 31 South.

Councilwoman Woykowski informed council that there is an I-78 corridor meeting and may be helpful. She will send everyone the details of the meeting.

Hearing no additional remarks from the audience, it was moved by Glaser, seconded by Housel that the audience portion of the meeting be closed.

Ayes: 6 Yes, Nays: 0.

Motion carried.

ORDINANCES:

Ordinance #14-2006 – An Ordinance to Amend Chapter 85 of the Code of the Borough of Washington to Create Off-Street Handicapped Parking Spaces.
(Final Passage)

Deputy Mayor Turner entertained a motion to introduce **Ordinance #14-2006**.

An Ordinance to Amend Chapter 85 of the Code of the Borough of Washington to Create Off- Street Handicapped Parking Spaces was introduced by Councilwoman Glaser.

It was further moved by Glaser, seconded by Oakley that the Clerk read Ordinance #14-2006 by title only.

Roll Call: Woykowski, Buoye, Glaser, Housel, Turner, and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #14-2006 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy was posted on the bulletin board, and copies are available from the Clerk's office upon request.

Deputy Mayor Turner opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Hearing none, it was moved by Glaser, seconded by Oakley that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by Oakley, seconded by Housel that Ordinance #14-2006 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: Turner, Oakley, Glaser, Housel, Woykowski, and Buoye.

Ayes: 6, Nays: 0.
Motion carried.

**BOROUGH OF WASHINGTON
ORDINANCE #14-2006**

**AN ORDINANCE TO AMEND CHAPTER 85 OF THE CODE OF THE BOROUGH
OF WASHINGTON TO CREATE OFF-STREET HANDICAPPED PARKING
SPACES**

WHEREAS, there is a need at Washington Borough Hall for Handicapped Parking spaces; and

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Borough's Traffic Ordinance is in the interest of public safety and provide for the general welfare of the citizens of the Borough of Washington.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that Chapter 85 of the Code of the Borough of Washington is hereby amended as follows:

SECTION I. By adding the following section:

“Borough Hall shall have three (3) spaces clearly marked for handicapped parking on the westerly side of the Main Parking Lot adjacent to the rear of the Municipal Building”.

SECTION II. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Ordinance #15-2006 – An Ordinance Establishing a Curfew and Repealing the Loitering Ordinance. (Final Passage)

Deputy Mayor Turner entertained a motion to introduce **Ordinance #15-2006.**

An Ordinance Establishing a Curfew and Repealing the Loitering Ordinance was introduced by Councilman Housel.

It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #15-2006 by title only.

Roll Call: Woykowski, Buoye, Glaser, Turner, Housel and Oakley.

Ayes: 6, Nays: 0.

Motion carried.

The Clerk read Ordinance #15-2006 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy was posted on the bulletin board, and copies are available from the Clerk's office upon request.

Deputy Mayor Turner opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Mark August from the Educational Network of Christian Home Educators of New Jersey - Mr. August stated that he was asked by some home schoolers in the area to represent them in this matter. Mr. August stated that ENOCH and the home schoolers are really opposed to the daytime portion of the ordinance. Mr. August stated that council should have received a letter from the Home School Legal Defense Association outlining four points as to why they feel the Curfew Ordinance is defective. Mr. August explained to council that he would only read the four points and leave council to read the details of each point. Mr. August stated that:

1. The ordinance violates minors' fundamental right to travel and move about freely.
2. The ordinance violates the search and seizure protections of the Fourth Amendment to the U.S. Constitution.
3. The ordinance is unconstitutionally vague.
4. The ordinance violates the fundamental right of parents to direct the upbringing of their children.

In addition, Mr. August stated that this ordinance presumes guilt until proven innocent. Mr. August remarked that he applauds council's concerns over wanting to stop juvenile delinquency and truancy, however by passing this ordinance the council will be hurting the freedoms of the entire community. Mr. August asked the council to move slowly while considering this ordinance, research other alternatives, and receive feedback from civic organizations and colleagues. Mr. August asked council to remove the daytime provision from the curfew ordinance.

Ann Hardiman West Stewart Street - Ms. Hardiman questioned council as to why the loitering ordinance was being repealed when the ordinance was revised less than two years ago and why is it not being considered separately for revocation. Ms. Hardiman stated that at the last council meeting she was told that loitering ordinances had been deemed unconstitutional. Ms. Hardiman explained that in her own research she found that Supreme Court did not rule loitering ordinances unconstitutional but ruled that it was the vagueness of the ordinance that did not delineate what loitering is.

Ms. Hardiman told council that she is in favor of people being able to congregate freely; however loitering (if properly implemented) is a legitimate tool of law enforcement.

Ms. Hardiman stated that it is the responsibility of the school, school boards, and school administrators to handle truancy issues. She also stated the each school should have a truancy official.

Ms. Hardiman also stated that she agrees with Mr. Finnegan in reference to ordinances being available on the website after introduction. Ms. Harding asked Attorney Cushing why the loitering ordinance was not deemed unconstitutional two years ago when it was updated.

Attorney Cushing stated that all comments and opinions from Council and himself would be addressed at the end of the public portion of this ordinance hearing.

Carolee Adams Bergen County, Eagle Forum of NJ - Ms. Adams informed council that there are 15,000 home schooled children in New Jersey and over 2 million home schooled children nationwide. She stated that the daytime portion of the ordinance is a problem because it is too broad. She asked council to consider removing the daytime portion of the Curfew Ordinance.

Ms. Adams stated that the daytime portion of the ordinance is a fourth amendment abridgement and criminalizes the behavior of children who are not required to be in a government school. Ms. Adams pointed out that daytime curfews violate the fourth amendment standard of stopping and detaining minors. She also pointed out that she feels Washington Borough will have a hard time establishing a connection between the daytime curfew ordinance and a decrease in juvenile crime. She stated that research shows that there exists no evidence that daytime curfews significantly reduce juvenile crime during the curfew hours.

Ms. Adams asked council to honor their town and not to forego liberty to implement order.

Rebecca Beach Allamuchy Township Warren County - Ms. Beach stated that she was a home schooled student, and at the age of thirteen was working part time and doing her schoolwork at night. Ms. Beach stated that giving police officers this authority will not correct the problem. She stated that this curfew would adversely affect home schoolers who have freedom from government imposed school time hours. Ms. Beach asked council to remove the daytime curfew from the proposed ordinance.

Gene Gordon 30 S. Lincoln - Mr. Gordon stated that he encourages the council to continue to pursue this ordinance and it is important to empower the police to have some control over juveniles especially late at night. Mr. Gordon explained that his daughter ran away two years ago and if the police had the power to pick her up and bring her home; her running away may have been prevented.

Evelyn Goodrow Cherry Street - Mrs. Goodrow stated that children should not be out past 11:00 p.m. and she is in support of the night time curfew.

Claire McNeil Finnegan 23 Youmans Ave - Ms. Finnegan stated that she is a National Honor Society member, Key Club Secretary, and Co Caption of the Warren Hills Academic Team. Ms. Finnegan stated that this ordinance is not necessary or

constitutional. She also stated that this ordinance makes her a juvenile delinquent mainly because of her age and she harbors a wish to walk around the streets of her town. Ms. Finnegan stated that she is especially concerned because she is an AP student and she has certain tests throughout the school year. The AP students are allowed to come into school late and leave school early during this testing time. She explained that there is no provision for this in the ordinance.

Dave Higgins 113 Harding Drive - Mr. Higgins stated that there is not enough information for the council or the citizens to make a decision on this ordinance. Mr. Higgins stated that the police department is not directing their concerns at them. He also explained to council that the people who are here this evening are the people who are concerned about the town and their children. Mr. Higgins asked to hear from the parents whose children are out at 11:00 p.m. at night. Mr. Higgins stated that he does not believe that one particular group is being singled out. He also does not think you can legislate parenting.

Ed Little – 80 S. Lincoln Avenue - Mr. Little said that he feels it takes a community to raise a child. He stated that in his opinion the daytime ordinance will not be effective and could not be enforced. He is in support of the nighttime curfew ordinance.

Ann Hardiman West Stewart Street - Ms. Hardiman asked council for permission to speak again. She stated that in her research of the curfew ordinance statutes she found that the final stipulation of a curfew ordinance reads, “the curfew ordinance shall establish clear standards and precise language, adequate to apprise a juvenile and a parent or a guardian from that which is unlawful.”

Jodie Brush 48 Willow Street - Ms. Brush stated that she has been a school teacher for 19 years and is around children all the time. She is in support of the nighttime curfew however questions the daytime curfew. The parents and the children who need the curfew ordinance are not present this evening. Ms. Brush inquired as to why one would be out during the day if they are home schooled. She also stated that between school, homework, and activities she never had time to hang out when she was a child.

Bob Smolar 244 West Warren St. - Mr. Smolar stated that he has been a resident of the borough for 10 years. Mr. Smolar stated that he has the right to have quiet enjoyment of his property. He also stated that liberty is not necessarily a license to do what you want. He feels that the Rt. 57 corridor of Washington Borough attracts danger and that children should not be out after 11:00 p.m. In closing, Mr. Smolar stated that he is in support of this ordinance.

Officer Koch Washington Township Police Department - Officer Koch informed council that he home schools his children and supports home schoolers 100%. He stated that he feels the intent of the curfew during the day was not to harass the home schoolers. Mr. Koch stated that he doesn't know a police officer who would

harass a child. Mr. Koch said that he does not feel that it is the Borough's intent to harass children.

Michael Lavou Oxford - Mr. Lavou said he is representing Youth Oriented Activities in Warren County. Mr. Lavou stated that he organizes concerts for the youth of Warren County at the youth center in Washington Borough. He stated that he organizes about two concerts a month mainly to keep kids off the streets because there is nothing to do. Mr. Lavou asked council how the ordinance would affect children not from the borough who drive to these concerts.

Candy Dephillips 116 Broad Street - Mrs. Dephillips stated that she is in support of the nighttime curfew ordinance, however the daytime curfew is questionable. She told council that her garage was broken into at 1:00 a.m. in January. Mrs. Dephillips feels that Warren County needs some kind of recreation center for children to keep the children off the street.

Officer Magyar Washington Borough Police Department - Officer Magyar discussed with council his concerns regarding not passing this ordinance. He understands the constitutional right to assemble peacefully; but he stated the key word is peacefully. Officer Magyar stated that there is nothing peaceful about children vandalizing property at night.

Officer Magyar explained that he is the DARE officer and has the highest respect and regard for the children of this town. Officer Magyar said he is in favor of the daytime and nighttime curfew ordinances as he is the one who brought this to council's attention. He feels that there are more important issues here than someone thinking that the police department is picking their child.

Lori Finnegan 23 Youmans Ave - Mrs. Finnegan stated that she is a teacher and has taught high school and elementary school, she has been teaching her own children for the past ten years. Mrs. Finnegan posed several questions to council for them to consider. Mrs. Finnegan asked council how they studied this issue. She asked if council meets with community members and leaders for input before they write any ordinance. She also wanted to know how the police will implement this ordinance because it is very unclear. Mrs. Finnegan asked if the police will be able to take the child into their possession.

Mrs. Finnegan stated that she had written an email to Mayor Marianne Van Deursen pointing out many exceptions to the rules such as; the high school hours, senior option where seniors can leave school at 12:00, A/P exams, anyone 16 years of age or older can legally withdraw from school, and home school students are some examples. Mrs. Finnegan questioned whether or not it was legal to keep a log book at the police department of children who are home schooled. She also suggested that council take a look at the Hopatcong Ordinance.

Margaret Finnegan 23 Youmans Ave - Ms. Finnegan stated that she is in third grade and is home schooled. She does not want to carry a piece of paper around with her to show to the police.

Brian Mezellis 38 Jackson Ave - Mr. Mouseles explained that every night outside of his bedroom window he hears teenagers swearing and screaming.

Dillon Mezellis 22 West Cherry Street - Mr. Mouseles stated that he is a teenager and is against the curfew ordinance. He explained that teenagers will find a way to do what they want anyway.

James Finnegan 23 Youmans Ave - Mr. Finnegan read a letter aloud that he had written to council members. A summary of the letter is as follows:
I stand before you here today to fight for the civil liberties granted to me by our founding fathers 230 years ago. I stand in the face of oppression, in hopes that the liberties and freedoms that men and women are dying to uphold are granted to me and future generations. The greatest threat to a nation comes not from aggressors, but from within. It is my duty as a law abiding citizen to see that the efforts of generations of mankind have not been in vain. To think that because of some of the actions of my peers that I will endure a punishment, is not only an infringement upon my rights, but it also shows that the leaders of this community view the youth with very stereotypical eyes.

Terry Finnegan 23 Youmans Ave - Mr. Finnegan stated that the ordinance, as written, in his opinion is clearly unconstitutional. He explained that this ordinance does not meet the requirements of the enabling statute. Mr. Finnegan stated that he has provided all members of the council with the case law of *Betton vs. Town of West NY*. Mr. Finnegan gave a brief summary of the case.

Mr. Finnegan also discussed with council that last week the brand new movie theatre in town had a midnight showing of *Pirates of the Caribbean*. He explained that under the provisions of this ordinance that kind of activity would be illegal.

Mr. Finnegan stated that the ordinance is unconstitutionally vague because it fails to define an offense with sufficient definiteness that ordinary people can understand. This gives the police officer broad discretion to decide which activities and juveniles fall within the ordinance exceptions.

Deputy Mayor Turner thanked everyone in the room for voicing their opinions and concerns. He stated that this ordinance was not something that the council has taken lightly.

Hearing no more comments from the public, it was moved by Woykowski, seconded by Glaser that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.

Motion carried.

Council Discussion:

Deputy Mayor Turner thanked everyone in the room for voicing their opinions and concerns. He stated that this ordinance was not something that the council has taken lightly. Deputy Mayor Turner said that he has spent many hours researching this topic.

Councilwoman Glaser explained that she wanted to remind council and inform the audience of her stance on the ordinance. She stated that from the beginning she was against this ordinance because of the fear of selective enforcement of the provisions of this ordinance. She stated that unfortunately there are parents in this town who do not oversee the activities of their children. She stated that children, despite the best efforts of the parent will sneak out of the house. She stated that by passing this ordinance she fears that selective enforcement will occur and infringe upon the rights of the parents. She stated that there is a need for some type of night time ordinance. She also said that it is council's responsibility to make the ordinance specific enough so it is not open for individual interpretation.

Councilwoman Woykowski said that it is the job of the council to protect the community. She feels that the language of the ordinance needs to be very specific. Councilwoman Woykowski agrees with the majority of the audience that this ordinance is not specific enough. She does not feel there is a need for the daytime curfew at this time. She stated that the high school should be doing a lot more with the truancy issue.

Councilman Buoye stated that he is not in favor of the daytime portion of the ordinance however, he does feel that there is a good deal of support for a night time curfew. He stated that the specifics of this ordinance need to be cleaned up and be more specific. He feels this ordinance should be reconsidered soon.

Councilwoman Oakley stated that she supports the daytime and the night time curfew ordinance. She stated that the judge specifically expressed concern that when children appear before him, he has no recourse towards the children, only towards the parents. She stated that is why she is for the daytime curfew. She said that if there was a night time curfew, the man whose daughter ran away, may have been picked up and brought home; preventing the situation to escalate. Councilwoman Oakley stated that she will definitely be willing to sit down and review this ordinance and re-work the ordinance given the concerns of the community however; both the daytime and nighttime curfew ordinances are very important.

Councilman Housel suggested that the ordinance be re-written and that a committee be formed. Councilman Housel stated that the police officers are doing a great job in this town and he doesn't believe that any police officer will harass a child by questioning them as to why they are not in school. He does not feel that this is harassment. He stated that the entire exercise this evening has been a great civics lesson. Everyone in the room this evening has been respectful and listened to one another; however the problem needs addressed and this ordinance is addressing it. Councilman Housel said the ordinance does need to be fine tuned.

Councilman Turner expressed to council that he is in 100% favor of the nighttime curfew ordinance however he agrees that the daytime portion of the ordinance needs tweaking. He feels that the relationship between police and children should not be a negative one. He states that if the concern in this room was town wide we would probably not even be discussing this. Councilman Turner agreed that a committee should be formed.

Councilwoman Glaser suggested getting the nighttime portion of the ordinance tweaked and passed as soon as possible; in order to give the police and judge a tool do effectively do their jobs.

Council concurred that a committee will be formed at the next council meeting.

It was moved by Housel to defeat Ordinance 15 -2006 as it stands, seconded by Glaser.

Roll Call: Turner, Oakley, Glaser, Woykowski, Housel and Buoye.

Ayes: 5,
Nays: 1. (Oakley)
Motion carried.

At this time a motion was made by Glaser, seconded by Housel that council break for a five minute recess.

Ayes: 6, Nays: 0
Motion Carried.

Council reconvened at 11:15 p.m. with everyone present except Councilwoman Glaser who was excused from the meeting at this time.

Ordinance #16-2006 An Ordinance of the Borough of Washington Establishing Procedures for the Administration of Government and Amending Various Sections of the Borough Code – **Introduction will be delayed until next meeting.**

REPORTS

It was moved by Housel, seconded by Oakley that the Borough Manager's, Treasurer Reports, Administrative, Fire Prevention, Municipal Court, Recreation, Highway Dept., Police, and the Engineers Monthly Report be accepted as presented and filed.

Roll Call: Woykowski, Buoye, Turner, Housel, and Oakley.

Ayes: 5, Nays: 0
Motion Carried.

VOUCHERS:

Deputy Mayor Turner entertained additions or questions of the vouchers and claims for payment.

Hearing none it was moved by Housel, seconded by Oakley that that the vouchers and claims be approved for payment in the amount of \$764,390.60 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

Roll Call: Woykowski, Turner, Oakley, Housel, and Buoye.

Ayes: 5, Nays: 0.

Motion Carried.

OLD BUSINESS

North Prospect Street Speed Bump Survey

Borough Engineer, Bob Miller reported to council on the recent investigation as to methods of traffic control on North Prospect Street. The speed and traffic counts were conducted May 5, 2006 through May 10, 2006. The results indicated that a fair percentage of vehicles are traveling over the posted speed limit of 25 mph.

Mr. Miller explained that data will be gathered during the school year to see if there is enough traffic to justify a four way stop. Mr. Miller also suggested that council may want to consider the installation of curb bumpouts at all of the four way intersections on North Prospect. These would narrow the street at the intersections and have been shown to help slow traffic.

Mr. Miller is still waiting for comments from the Police, Fire Department, and Emergency Squad in reference to any impact this may have on them.

Councilwoman Oakley requested that Mr. Miller bring in pictures of bumpouts so that council may see what they look like.

South Lincoln Avenue/ Willow Street Safety Concern

Borough Engineer, Bob Miller gave council an update as to the safety concerns at the intersection of South Lincoln Avenue and Willow Street. Mr. Miller confirmed visual obstruction on Willow Street if looking onto South Lincoln Avenue. Bob Miller stated that based on the field of measurements of sight distance and the proximate equality of traffic on the streets involved he would recommend a 3 way stop that would have to be approved by the D.O.T.

Deputy Mayor Turner inquired as to where the 3 way stop would go. Mr. Miller stated before the railroad tracks.

Gina Appleby expressed concerns over traffic beginning to build up due to all the commercial traffic on Willow Street and recommended a one way street.

Councilman Housel questioned Mr. Miller if it was a possibility to restrict heavy truck traffic on Willow Street and South Lincoln Ave. Mr. Miller stated that would need to be looked at very carefully.

After council discussion Gina Appleby asked council if a decision was going to be made tonight on this issue. Deputy Mayor Turner explained that there would be no decision on this issue tonight.

NEW BUSINESS

The following Resolutions were moved on a motion made by Housel, seconded by Oakley and adopted.

Resolution 158-2006 – Authorizing Private Sale of Tax Sale Certificate No. 383-03.

RESOLUTION AUTHORIZING PRIVATE SALE OF TAX SALE CERTIFICATE NO. 383-03

WHEREAS, the Borough of Washington acquired Tax Sale Certificate No. 383-03 on October 24, 2003 for the property located at 176 E Washington Avenue, Washington, New Jersey, also known as Block 065, Lot 006.01 on the Tax Map of the Borough of Washington;

WHEREAS, the municipality has, on two prior occasions, attempted to sell the above mentioned tax sale certificate by public sale, and, on both occasions was unable to complete any public sale of the tax sale certificate;

WHEREAS, it is in the best interests of the Borough of Washington to obtain the monies due and owing to the Borough of Washington for past due taxes and subsequent municipal liens by way of a private sale pursuant to N.J.S.A. 54: 5-113; and

WHEREAS, Qin Lin has indicated that he is willing to purchase the Tax Sale Certificate for the total amount of delinquent taxes and assessments together with subsequent municipal liens owed to the Borough of Washington;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that:

1. The Borough of Washington authorizes the private sale of Tax Sale Certificate No. 383-03 together with subsequent liens thereon, for the total amount of the liens charged against the property located at 176 E Washington Avenue, Washington, New Jersey, also known as Block 065, Lot 006.01 on the Tax Map of the Borough of Washington to Qin Lin.

2. The total amount due and owing to the Borough of Washington through July 6, 2006 is \$64,844.55.

3. At least five days prior to the taking of action by the governing body regarding the assignment of the Tax Sale Certificate No. 383-03, notice by regular and certified mail, return receipt requested, shall be mailed to the owner at the address appearing on the tax books of the Borough of Washington. The notice shall also be mailed by regular mail to “occupant” at the same address.

4. Notice shall also be posted in three public places in the Borough of Washington at the time of the mailing of the notice, as well as posted on the property and shall be published at least once in a public newspaper published or circulated in the Borough of Washington within five days prior to taking action.

5. The Borough Manager, Richard Sheola; Borough Clerk, Kristine Blanchard; and Borough Tax Collector, Kay Stasyshan, are each hereby authorized to execute all documents required to effect the assignment of Tax Sale Certificate No. 383-03 for the amount of \$64,844.55 to Qin Lin.

6. Any further assignment of the Tax Sale Certificate No. 383-03 is required to be promptly recorded at the Office of the Warren County Clerk and a photocopy of any such recorded assignment served upon the Borough of Washington Tax Collector by certified mail, return receipt requested.

Resolution 159-2006 – Refund Overpayment on 2006 Current Year Real Estate Taxes.

WHEREAS, according to the Tax Collector’s records, there is an overpayment of \$1,905.06 on 2006 1st Quarter Regular Taxes paid on property located at 238- 242 Belvidere Avenue, also known as Block 035 Lot 042, and in the name of Sohi, Seyed H Hashemi; and

WHEREAS, Attorney Rabbat has paid 1st Quarter 2006 Regular Taxes for the new property owner, Mr. Sohi and Wells Faargo Home Mortgage has also paid the 1st Quarter 2006 Regular Taxes for the former property owner, Michelle Mennella.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,905.06 payable to:

Michelle Mennella
PO Box 614
Bernardsville, NJ 07924

Roll Call: Woykowski, Housel, Buoye, Turner, and Oakley.

Ayes: 5, Nays: 0
Motion Carried

The following Resolution was moved on a motion made by Councilman Housel, seconded by Councilwoman Oakley and adopted.

Resolution 160-2006 - Authorizing Professional Services Agreement and Inspection Services – Cornish St.

RESOLUTION #160-2006

**A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO A CONTRACT FOR
PROFESSIONAL SERVICES WITHOUT SEEKING
COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services related to the design and inspection services related to the reconstruction of Cornish Street in the Borough of Washington; and

WHEREAS, funds are available in the 2006 Capital Budget in Account Number 04-215-55-954-2-9545; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the firm of Studer & McEldowney, Clinton, New Jersey has agreed to perform engineering services, as outlined in the budget request in the amount of \$82,100.00; and

WHEREAS, the services to be provided by of Studer & McEldowney, Clinton, New Jersey constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. That the Mayor and Council hereby appoint of Studer & McEldowney, Clinton, New Jersey to provide professional engineering services to the Borough of Washington in matters pertaining to the design and inspection services related to the reconstruction of Cornish Street.
2. The Mayor and Clerk are hereby authorized and directed to enter into the attached agreement with of Studer & McEldowney, Clinton, New Jersey.
3. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5.
4. The necessary funds are available in the 2006 Capital Budget.
5. Notification of the contract award shall be printed in the Star Gazette.
6. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Roll Call: Woykowski, Buoye, Housel, Turner, and Oakley.

Ayes: 5, Nays: 0

Motion Carried

The following Resolution was moved on a motion made by Deputy Mayor Turner, seconded by Councilwoman Housel and adopted.

Resolution 161-2006 – Award Contract for Ball Field Lights

**A RESOLUTION AWARDING BID FOR THE
PURCHASE AND INSTALLATION OF LIGHTING
SYSTEM FOR BOROUGH PARK BALL FIELD**

WHEREAS, the Borough of Washington advertised in the Star-Gazette for qualified bidders for the above project; and

WHEREAS, the Borough received three (3) bids from contractors at the Bid

Opening on June 28, 2006; and

WHEREAS, the bids received where as follows

Lucas Electric Hightstown, NJ	\$167,833.35
FaiGon Electric Piscataway, NJ	\$180,800.00
Quality Electric West Keansburg, NJ	\$212,839.00

WHEREAS, the Borough had budgeted \$172,000.00; and

WHEREAS, the Mayor and Council of the Borough of Washington wishes to accept the lowest bid for this work, does comply with the specifications as written and references have provided acceptable comments, therefore it is in the best interest of the Borough of Washington to reject the bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey award the bid for purchase and installation of the Ball Field Lighting System to Lucas Electric and authorize the Borough Manager to prepare the contract documents as soon as possible and for the Mayor and Borough Clerk and any other municipal official to execute the contracts. A Certification of Available Funds is attached and made part of this document; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Richard J. Sheola, Borough Manager and the Washington Borough Recreation Commission.

Roll Call: Woykowski, Housel, Buoye, Turner, and Oakley.

Ayes: 5, Nays: 0

Motion Carried.

RECAP

Manager Sheola stated he would send a letter to the County Transportation Department in reference to public transportation southbound on Rt. 31. Council concurred that a curfew ordinance committee will be developed next meeting.

EXECUTIVE SESSION

It was moved by Oakley, seconded by Turner that Council go into Executive Session to discuss matters of litigation.

Roll Call: Housel, Oakley, Buoye, Turner, and Woykowski.

Ayes: 5, Nays: 0.

Motion carried.

Resolution 164-2006 – Resolution to Enter into Executive Session

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, in the County of Warren and State of New Jersey as follows:

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - Possible Litigation

It was moved by Woykowski, seconded by Oakley that Council go out of Executive Session and back into open session at 12:30 a.m.

Ayes: 5, Nays: 0.

Motion carried.

Hearing no further business to come before the governing body, it was moved by Turner, seconded by Oakley that the meeting be adjourned.

Andrew Turner, Deputy Mayor

Kristine Blanchard, RMC
Borough Clerk